Middleborough Board of Selectmen **June 29, 2009**
Meeting Minutes

Chairman opened meeting at 7:00 PM.

In attendance were Selectmen P. Rogers, M. Duphily, S. McKinnon and A. Rullo.

Chairman invited those in attendance to join in the Pledge of Allegiance.

NEW BUSINESS
Upon motion by Selectwoman Duphily and seconded by Selectman Rullo, Board voted to approve meeting minutes of 6-22-09.
Three in favor. P. Rogers abstained.

Upon motion by Selectwoman Duphily and seconded by Selectman Rullo, Board voted to approve Town Hall rental for John Cacciatore on 8/1/09 from 12 Noon until 12 Midnight.
Three in favor. P. Rogers abstained.

Upon motion by Selectwoman Duphily and seconded by Selectman Rullo, Board voted to approve use of Town Hall lawn by Boy Scout Troop 96 for its annual "Yard Sale" to be held on Saturday, October 17, 2009 from 9 a.m. until 2 p.m., with a rain date of Saturday, October 24, 2009 with the same hours.
Three in favor. P. Rogers abstained.

Town Manager reviewed Police Chief Bruce Gate's contract. Upon motion by Selectman McKinnon and seconded by Selectwoman Duphily, Board voted to approve Police Chief Contract between the Town of Middleborough and Bruce D. Gates.
Three in favor. P. Rogers abstained.

Upon motion by Selectman Rullo and seconded by Selectwoman Duphily, Board voted to sign resolution supporting House Bottle Bill H3515 "An Act to Improve Recycling Rates in the Commonwealth".
Two in favor. S. McKinnon opposed. P. Rogers abstained.

HEARINGS, MEETINGS & LICENSES
Resort Advisory Committee Chairman Eric Cedarholm addressed Board to discuss proposed spending of Resort Funds for FY'10.Chairman invited the public to submit comments and suggestions to the Town Manager's Office of where it would like to see money spent. Chairman indicated matter will be put on 7-13-09 agenda.

Suzanne Dube of the Citizen's Environmental Health Impact Committee (CEHIC) updated the Board re the following matters:

- MA DEP Health Assessment of key areas in Middleborough.
- Department of Public Health Environmental Public Health Tracking portal.
- ALS Advisory Committee - update of ALS Registry.
- Rockland Industries site update

Environmental Strategy Management Licensed Site Professionals (LSP's) Tom Silvia, Joe Callahan, and Mike Donnelly contacted by the CEHIC and retained through a DEP Technical Assistance Grant to provide advice and expertise on the work that has been performed at Rockland Industries site addressed the Board. (SEE ATTACHMENTS)

Chairman announced that the Board visited Joseph Arruda, Tispaquin Realty Corporation, 1453 Plymouth Street Earth Removal site on Saturday, June 27, 2009. Board heard from Conservation Agent Patricia Cassady regarding the requirements she has presented to Mr. Arruda, which includes filing a new Notice of Intent (N.O.I.) with the Commission. He will also have to submit a request for a Certificate of Compliance and state that the old work is not completed. He should not be currently doing any work within 100' buffer zone. Chairman read aloud conditions agreed upon by the Board of Selectmen. Chairman asked to hear comments from the public. Abutter Keith Northrop addressed the Board and reported that Mr. Arruda had encroached on his property and cost him legal fees in an attempt to rectify. He would like to trees re-planted and that they be like the trees that had been removed by Mr. Arruda. He also has an issue regarding ATV's and asked if the Board could do anything to encourage Mr. Arruda to keep the ATV's off of the property. He expressed concern that he has been unable to get assistance from Police Department when he has called. Mr. Arruda addressed issues raised by Mr. Northrop. Mr. Arruda indicated that he had replaced the trees, but acknowledged that they have died. He agreed to replace again. He acknowledged that there had been a vandal on his property one night, which caused a disturbance. Mr. Arruda indicated that he is willing to address any concerns. Chairman suggested that any future concerns should be addressed through the DPW Highway Superintendent and/or the Town Manager. Mr. Arruda offered to build a stone wall immediately if Mr. Northrop would like. Chairman recommended that Mr. Northrop attend Conservation Commission meeting on July 16, 2009 to address his concerns. Upon motion by Selectman Rullo and seconded by Selectwoman Duphily, Board voted to approve the conditions as agreed upon, subject to Mr. Arruda complying with required timeline dates, specifically, 7/2, 7/16 and 7/31.

TOWN REPORT

Town Manager presented Board with Memorandum of Understanding (M.O.U.) between Town of Middleborough and Town of Lakeville re maintenance of Route 79. The redesign of Route 79 and Route 495 will result in closing of Route 79, and not Route 105. There was concern that it would result in maintenance difficulties. The Memorandum has been worked on over the past year. Town Manager recommended Board sign M.O.U. Chairman expressed concerns about not mentioning catch basin/water main that should be maintained. Upon motion by Selectman McKinnon and seconded by Selectwoman Duphily, Board voted to approve and sign the Memorandum of Understanding.
Four in favor. P. Rogers abstained.

Town Manager reported on Property/Casualty and Workers' Compensation insurance bids. We received a less expensive proposal from Metroguard through our insurance agent Brian Murphy. Proposal came in $74k below our previous estimate.

Route 44 project - Fallen on backburner for time being, but need to get back onto the radar screen. Tribe may ultimately fund project, but it has to move forward until then. Congressman Frank has been asked to earmark money to fund project and move project forward.

43D application update - Technical Assistance Funding in the amount of $16,000.

Resort Funds - We have three staff members who rely on those funds. Town Manager asked Board to authorize funding of the current staff at the current number of hours until the end of July. Upon motion by Selectman McKinnon and seconded by Selectwoman Duphily, Board voted to authorize Town Manager to continue funding the three Planning positions for another month through the Planning Resort funds.
Three in favor. P. Rogers abstained.

OLD BUSINESS
DPW Director Job description - Town Manager suggested changing education and experience section to bachelor's degree and 10 years highway construction and maintenance, seven of which would be of supervisory experience, or an equivalent combination of education and experience. The position of being appointed Tree Warden is included. The position of Moth Superintendent is to be added. Board to review changes at July 13, 2009 meeting.

OTHER
Chairman announced that he would like to discuss items of interest, as provided by Al Rullo in May, during the Board's July 27, 2009 meeting.

Al Rullo met with Representative Canessa's staff. He is trying to establish a regular meeting with our State Reps/Senators once/twice per year. Representative Canessa will be in touch with Mr. Rullo to discuss. Board will discuss on 7-27-09.

Steve McKinnon - Biotech industry - Get Biotech insurance firm into one of our industrial parks. Town Manager, Planning Director and Economic & Community Development Director will discuss.

Chairman mentioned invitation he received from the Wampanoag Tribe to attend its annual Powwow during the Fourth of July weekend.

Michael Solimini asked Town Manager for an update on any cost reduction savings that the School may have recently voted on. Town Manager indicated that there was a report in the paper regarding their energy savings. Mr. Solimini indicated that the teachers voted to freeze their salaries to save the Town money and asked what other departments would be freezing their salaries. Town Manager reviewed percentage increases and health insurance contribution increases agreed upon during union negotiations with various other employees.

CORRESPONDENCE
#13 - Oil spill on Wareham Street - V. DiRusso - Town Manager will look into and follow up.
#15 - Transportation Reform Bill - send letter to Governor to veto. Upon motion by Selectman Rullo and seconded by Selectwoman Duphily, Board voted to send letter.
Three in favor. P. Rogers abstained.

Jane Lopes informed the Board that the South Middleborough National Registered District has been approved by the National Parks Service. Upon motion by Selectman McKinnon and

seconded by Selectman Rullo, Board voted to send letter of thanks to the Middleborough Historical Commission, with particular mention of Vice Chairman Michael Maddigan, for contributions in seeing this through.
Three in favor. P. Rogers abstained.

Upon motion by Selectman McKinnon and seconded by Selectman Rullo, Board voted to adjourn meeting at 10 P.M.
Three in favor. P. Rogers abstained.

_____
Jackie Shanley, Confidential Secretary
BOARD OF SELECTMEN

TAG Grant Update
Rockland Industries Site

Environmental Strategies & Management

Who we are:

- Environmental Strategies & Management, Inc

  273 West Main Street

  Norton, MA 02766

  508-226-1800

- Joe Callahan – Licensed Site Professional
- Tom Sylvia – Principal Chemical Engineer
- Mike Donnelly – Intern from Plymouth State University

Town of Middleboro
Technical Assistance Grant (TAG)

- TAG grant of $10,000
- Awarded to CEHIC and the Middleboro Conservation Commission
- Purpose is to provide expert advice and technical assistance to communities on MCP 310 CMR 40.00 (21E) disposal sites.
- Tom Sylvia Principal, ES&M has provided his services pro bono. Former resident of the neighborhood near Rockland Industries.

Site History of Reckland Industries

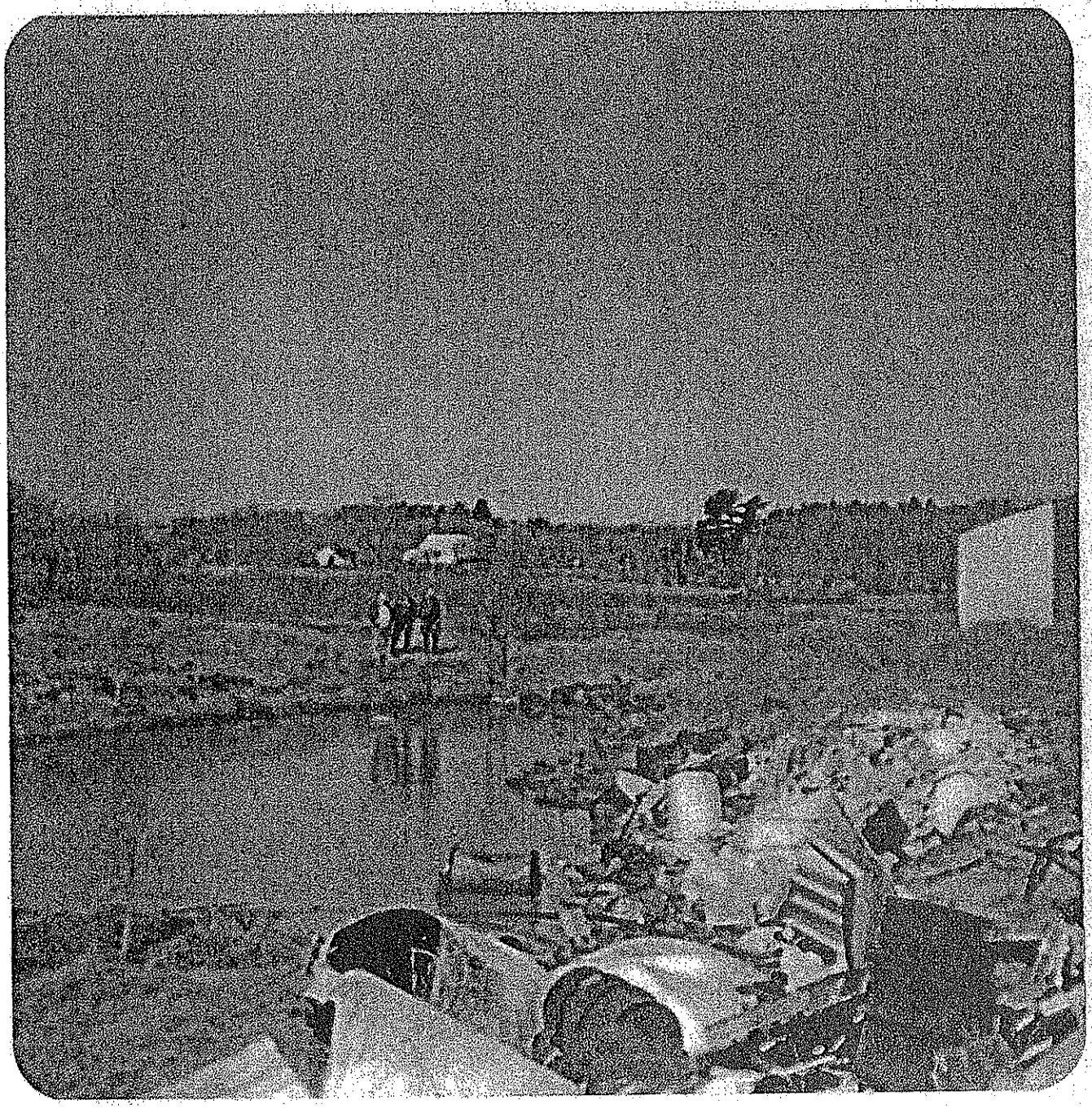
- Manufactured and repackaged textile dyes and other chemicals from 1966 to 1982
- BOH investigated chemical discharges to Purchade Brook in 1968
- Around 1980 EPA involvement
- 1981 Enforcement actions taken
- Over 40 contaminants were identified during 1990's federal site evaluations

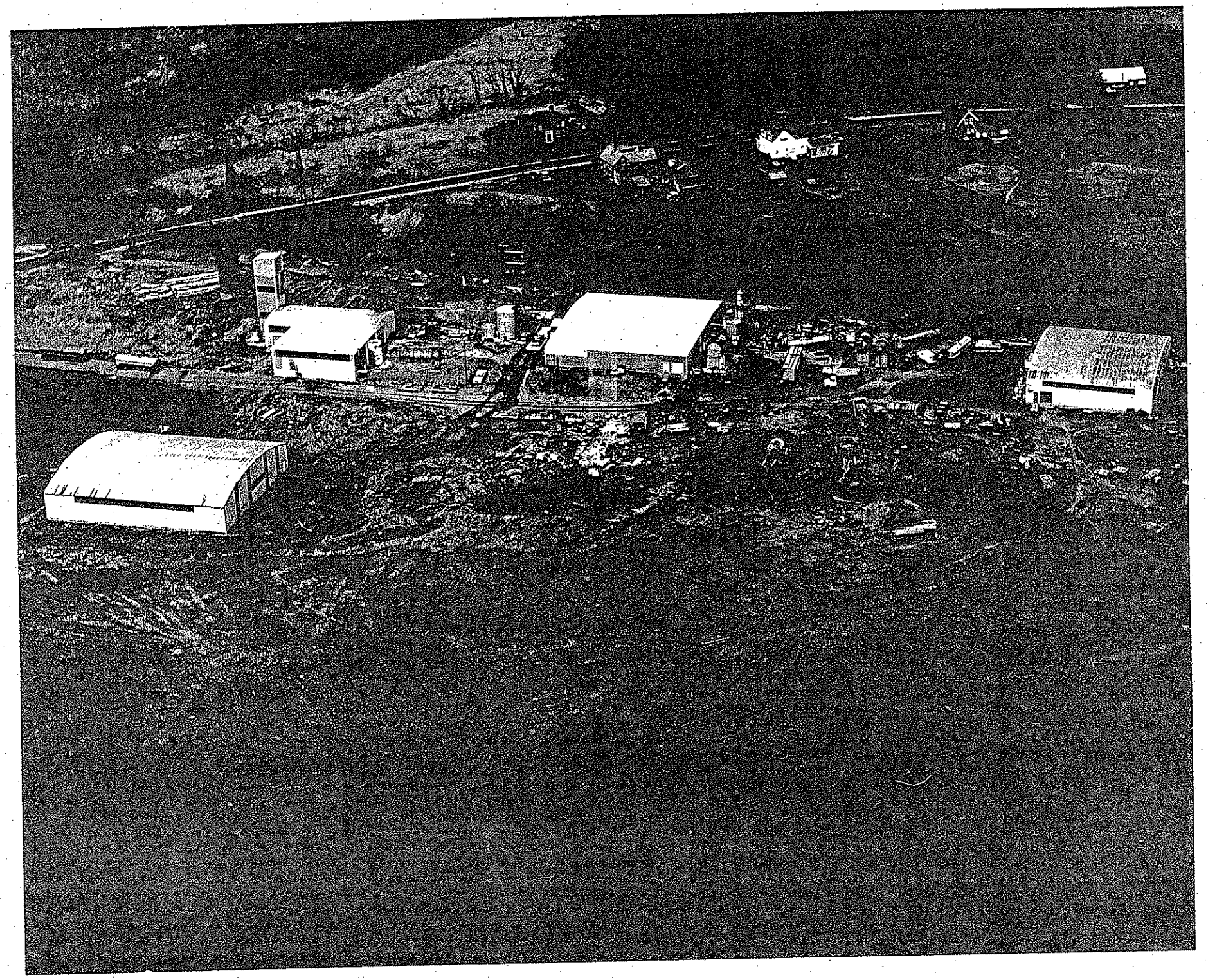
Known Chemicals of Concern

- Chlorobenzenes (mono, di and tri)
- Metals (arsenic, mercury, zinc, chromium)
- Cyanide
- Formaldehyde
- Diesel fuel (EPH)
- Chlorinated solvents

Releases to the Environment

- Building 2 floor drains + septic system
- Unlined lagoon and drainage swale
- Former filter bed area
- Former truck washing area
- Likely Others





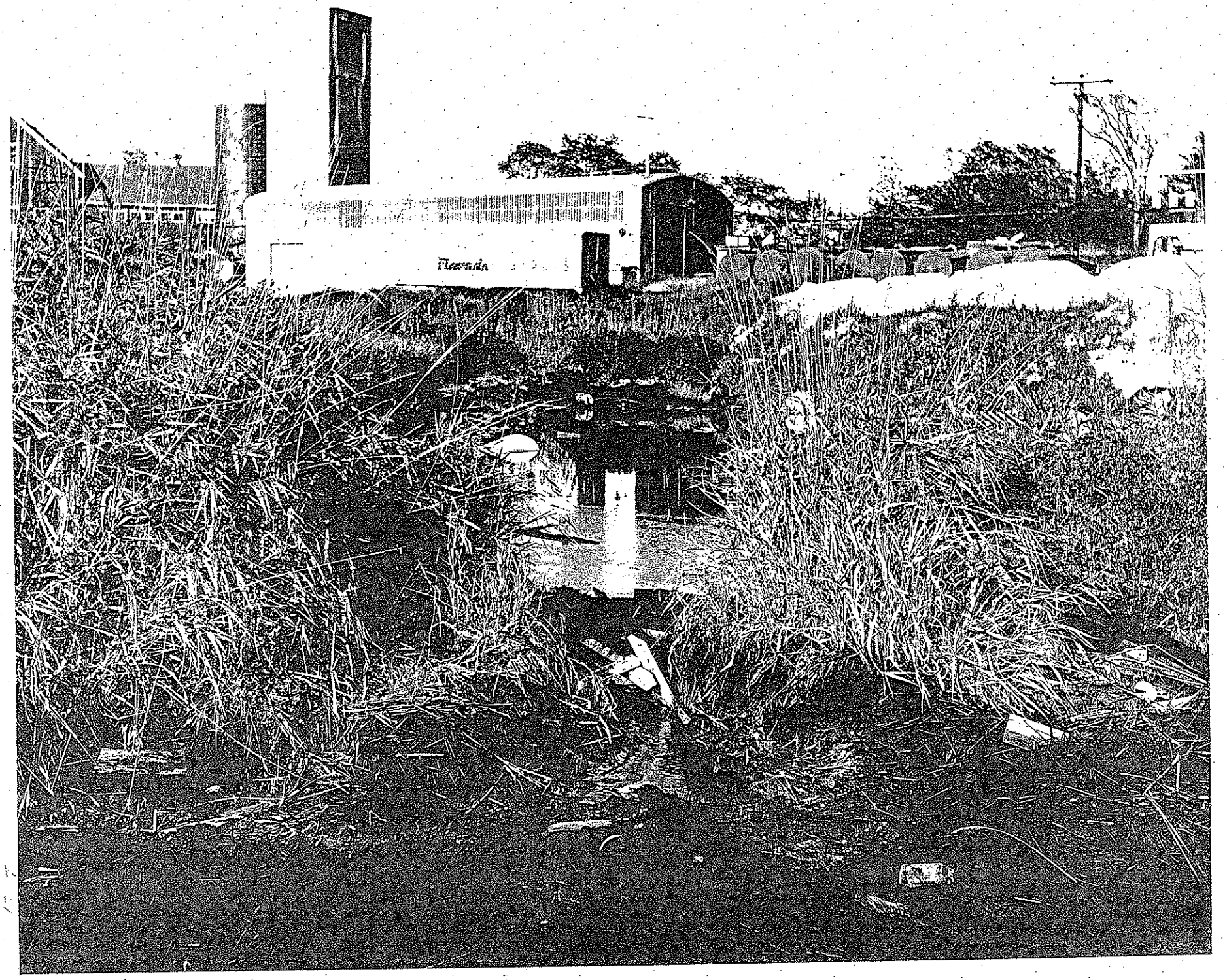
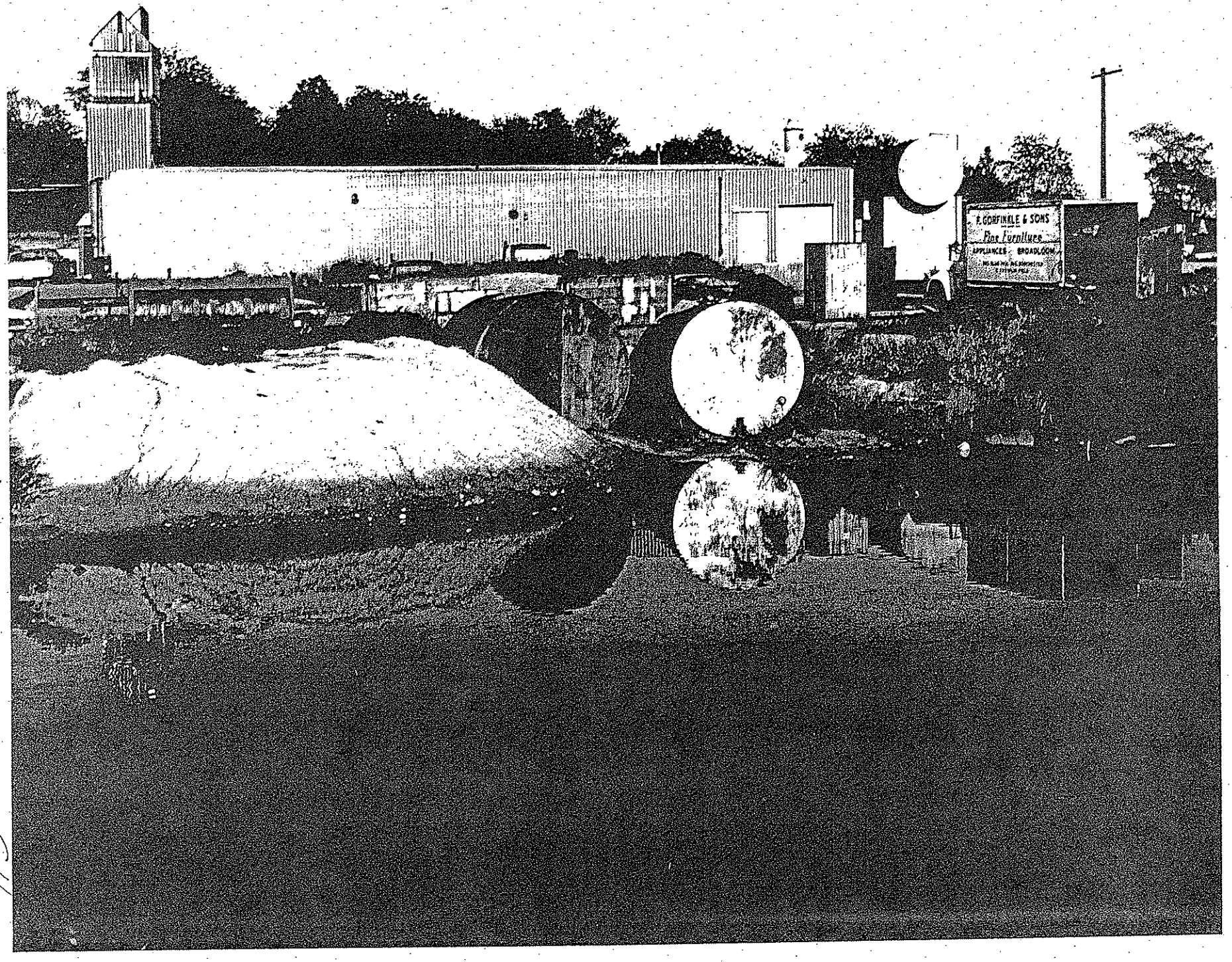
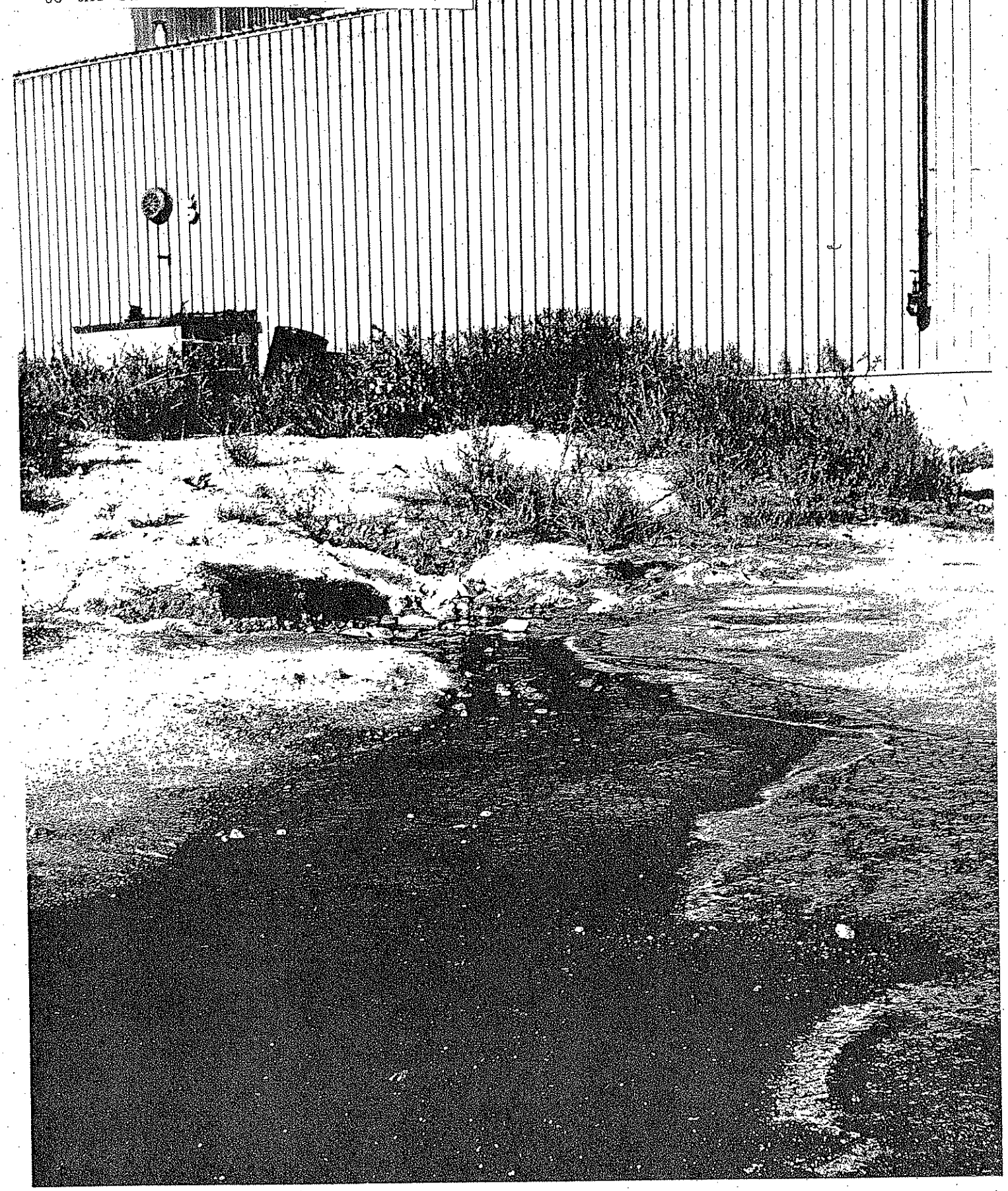


Photo of lagoon and Middleboro Chemical Plant



#3

Discharge of sewage and industrial waste
to the surface of the ground



Regulatory Status

- Chapter 21E Mass Contingency Plan (MCP) 310 CMR 40.00
- RTN 4-0111 Site identified as a hazardous waste site January 15, 1987
- Tier 1A – Public Involvement Plan (PIP) Site
- RTN 4-15303 assigned February 15th 2000 - NAPL area south of building 2
- RTN 4-16549 assigned September 7th 2001 - Potential SRM Condition (contaminants into wetland and Purchade Brook)

Regulatory Status (Cont'd)

- HE – Interim Phase II report January 1989 (5 Areas of Contamination)
- KEY Phase II CSA April 2000 (Inadequate)
- ACOP-SE-98-3P-002, September 25th, 2000
- Roux Supplemental Phase II Site Assessment November 2001
- Roux IRA Plans (SRM and NAPL)
- Roux Phase III November 2002 – (Not Approved)

Roux Remedies

- Recovery of NAPL > ½ south of Building 2
  - Previous efforts (skimming and vac truck) not effective
  - Planned excavation of NAPL area (better alternative)

Drainage Swale area

- Covered with sand and regraded
- No additional remediation planned (inadequate)

Filter Bed

- Pipes removed, fenced (inadequate)

Class C RAO – Temporary Solution

- Class C Response Action Outcome (RAO) requires → No substantial hazard to extent feasible to eliminate control or mitigate source(s) of OHM
- No Substantial Hazard = no significant risk to health, safety, public welfare or environment if continued for several years
- Substantial Release Migration (SRM) - Release to GW has been or within 1 year will be detected in SW, DW or wetland

Summary

- NAPL IRA
  - New plan satisfactory
  - MassDEP or Town of Middleboro observation recommended
- Drainage Swale
  - IRA Remedy – Not effective, SRM?
- Filter Beds
  - RX-8s (possible increasing concentrations downgradient)
- Upper and Lower Aquifers
  - Fully characterized, no interaction?
- Wetlands/Eco Risk

Where we go from here

- Develop an historical analytical data base
  - Trend analysis
  - Cross-sectional analysis
- No substantial hazard
  - No uncontrolled sources of OHM
- Phase III Feasibility Evaluation
  - RI and Roux selected an ineffective remedy
- Conservation Commission Enforcement under Wetland Protection Act